

REMARKS

Claims 1 to 20 are now pending. Claims 15 and 18 have been amended (insertions shown by underlining, deletions by strikeout). No new matter has been added.

Applicant respectfully requests reconsideration of the present application in view of this amendment and response.

For the Examiner's convenience, Applicant's earlier remarks concerning the allowability of all claims 1 to 20 are provided below.

Claims 1, 2, 5, 7 and 10 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,321,840 to Ahlin et al. (the "Ahlin reference").

Applicant respectfully submits that the Ahlin reference does not in any way identically describe or suggest an apparatus as claimed in claim 1, or a method as claimed in claim 10.

The Ahlin reference purportedly concerns a user terminal for accessing service computers and has a single board computer including a microprocessor remotely reconfigurable programmable gate array logic, several types of solid-state memory and various input-output units. Abstract.

Claim 1 is directed to an apparatus for using a service made available in a telecommunications network having:

at least one network server having a user interface program, the user interface program being configured to implement the service;

a user-side terminal, the user-side terminal being capable of connection to the at least one network server; and

a control and operating device executing a user interface to control and operate the service;

wherein the control and operating device is assigned to the user-side terminal and the at least one network server transmits the user interface program to the control and operating device before the service is used, the user-side terminal capable of being independent of the service so that the service does not depend upon an associated application previously stored in the user-side terminal.

The Ahlin reference does not identically describe or suggest the features of an apparatus having a user interface program being configured to implement a service; a user-side terminal, the user-side terminal being capable of connection to the at least one network server; and a control and operating device executing a user interface to control and operate the service; and wherein the control and operating device is assigned to the user-side terminal and

Application Serial No. 09/054,597

the at least one network server transmits the user interface program to the control and operating device before the service is used, the user-side terminal capable of being independent of the service so that the service does not depend upon an associated application previously stored in the user-side terminal, as in claim 1. The Office Action cites col. 7, line 32-50; col. 8, lines 9-28; and col. 11, lines 37-65, as showing each of the features of claim 1. Col. 7, lines 32-50, of the Ahlin reference appears to concern a user desiring to access a service computer 20a of Bank A – who activates a home terminal which, when the access is requested by pushing a button by the user, the home terminal 2 sends a message to the network host computer 8, the host computer 8 consults its internal memory to locate the application program required to access the service computer 20a of Bank A and will download the program to the home terminal 2. At col. 7, lines 22-31, the Specification states that “[o]ne essential function of the network host computer 8 is to provide a series of application program ‘pages’ which are downloaded to the home terminal 2 or 10 and which provide it with sufficient information that it can supply the user with sufficient ‘prompts’ to elicit from the user whatever information-user codes, desired transaction, and the like – is required to access one of a plurality of service computers 20a-d to which the network host computer 8 is connected.” Neither col. 8 nor col. 11 appear to contradict col. 7 – meaning that the Ahlin reference teaches that an application program is downloaded to a home terminal 2 -- in direct contrast to claim 1 of the present invention. Applicant respectfully submits that the Ahlin reference does not anticipate claim 1 since it does not identically disclose the features discussed above. Since claims 2, 5 and 7 depend from claim 1, these claims are allowable for at least the same reasons as claim 1.

Since claim 10 includes features analogous to those of claim 1, claim 10 is allowable for essentially the same reasons as claim 1.

Accordingly, Applicant respectfully submits that claims 1, 2, 5, 7 and 10, are in a condition for allowance, and withdrawal of the rejection under 35 U.S.C. § 102(b) in view of the Ahlin reference is respectfully requested.

Claims 3, 4, 6, 8, 9, and 11 to 14, were rejected under 35 U.S.C. § 103(a) as unpatentable over the Ahlin reference in view of U.S. Patent No. 5,838,682 to Dekelbaum et al. (the "Dekelbaum reference").

Application Serial No. 09/054,597

Claims 3, 4, 6, 8, 9, and 11 to 14, depend from one of claims 1 and 10. As discussed above the Ahlin reference does not in any way disclose or suggest the features of any of amended claims 1 and 10.

The Dekelbaum reference does not cure the critical deficiencies of the Ahlin reference. The Dekelbaum reference purportedly concerns an internet type access system that includes an autodialer for automatically establishing communications with a merchant's facility over a switch network while maintaining internet connectivity over a packet data network. Abstract. As characterized, the autodialer coordinates between the internet session and the switched connection with the merchant's server. Abstract.

Like the Ahlin reference, the Dekelbaum reference does not disclose or even suggest an apparatus that includes a control and operating device executing a user interface to control and operate the service wherein the control and operating device is assigned to the user-side terminal and the at least one network server transmits the user interface program to the control and operating device before the service is used, the user-side terminal capable of being independent of the service, as in claim 1. Thus, in combination, the Ahlin and Dekelbaum references do not teach or suggest all features of claim 1.

Applicant respectfully submits that the Ahlin and Dekelbaum references (alone or in combination) do not anticipate claim 1 since they do not teach or suggest all features of claim 1. Since claim 10 includes features analogous to those of claim 1, claim 10 is allowable for essentially the same reasons as claim 1. Since claims 3, 4, 6, 8, 9 and 11 to 14 depend from claim 1 or claim 10, these claims are allowable for at least the same reasons as claim 1 or claim 10.

Accordingly, Applicant respectfully submits that claims 3, 4, 6, 8, 9, and 11 to 14, are in a condition for allowance, and withdrawal of the rejection under 35 U.S.C. §103(a) over the Ahlin reference in view of the Dekelbaum reference is respectfully requested.

Claim 15 was rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,485,370 to Moss et al. ("Moss reference") in view of U.S. Patent No. 5,717,927 to Bergler et al ("Bergler reference").

The Moss reference (alone or in combination with the Bergler reference) does not in any way teach or suggest an apparatus for using a service in a telecommunications network having a means for providing at least one user-interface providing an operating functionality;

Application Serial No. 09/054,597

means for serving a network and for storing at least one user-interface; means for requesting transmission of the at least one user-interface to the means for requesting, before the service is used; means for executing the at least one user interface so that the service is controllable and operable by the user through the at least one user interface; and means for removing the at least one user interface after the service is used, as in claim 15. Claim 15 provides that a user-side terminal is capable of being independent of a service; that is, a network-based service can be used without requiring that the user-side terminal be specifically adjusted to that service. Specification.

The Moss reference purportedly concerns a system providing communication between a home terminal such as a telephone, and a service provider such as a financial institution. Abstract. Apparently, the system's application software transforms user commands into commands understood by the service provider's system, and a network host computer of the system provides messages to the home terminal to obtain required information from the user and then communicates this information to the service provider. Abstract. In stark contrast to claim 15 of the present application, the Moss reference purportedly discloses use of a network-based system which downloads updated versions of a user's application programs automatically each time the user connects to the network. Col. 3, lines 48-53. That is, it is understood that the user's computer having, e.g., application X1999 may be automatically updated to applications X2000 – the user's computer contains the application and the downloads from the network are dependent on the application stored by the user's computer. Col. 12, lines 50-61, and col. 5, lines 21-26. Applicant also respectfully incorporates by reference herein Applicant's earlier statement in prior-filed responses to Office Actions for the above-identified application.

The Bergler reference does not cure the critical deficiencies of the Moss reference. The Bergler reference purportedly concerns a telecommunications terminal which is composed of a digital signal processor, an interface for the input of software and means to start the input and execute the software. Abstract. According to the Bergler reference, the software for executing basic functions is fixed and software for executing special functions can be called up and loaded via the interface. Abstract.

Like the Moss reference, the Bergler reference does not disclose or even suggest a means for providing at least one user-interface providing an operating functionality; means

Application Serial No. 09/054,597

for serving a network and for storing at least one user-interface; means for requesting transmission of the at least one user-interface to the means for requesting, before the service is used; means for executing the at least one user interface so that the service is controllable and operable by the user through the at least one user interface; and means for removing the at least one user interface after the service is used, as in amended claim 15. That is, neither reference appear to provide that a user-side terminal is capable of being independent of a service; that is, a network-based service can be used without requiring that the user-side terminal be specifically adjusted to that service, as in amended claim 15. Applicant further submits that not only do the Moss and Bergler references not teach or suggest means for removing the at least one user interface, but that the references do not teach or suggest means for removing the at least one user interface after the service is used, as in amended claim 15.

Applicant respectfully submits that the Moss and Bergler references (alone or in combination) do not anticipate claim 15 since they do not teach or suggest all features of claim 15. Accordingly, Applicant respectfully submits that claim 15, as amended above for clarity, is in a condition for allowance, and withdrawal of the rejection under 35 U.S.C. §103(a) over the Moss reference in view of the Bergler reference is respectfully requested.

Claims 16 to 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over the Moss reference in view of the Bergler reference and further in view of the Dekelbaum reference.

Since claims 16 and 17 depend from amended claim 15, those claims are allowable for at least the same reasons as claim 15 over the Moss reference in view of the Bergler reference. Since claim 1 has features analogous to those of claim 15, and since claims 18 to 20 depend from claim 1, those claims are allowable for essentially the same reasons as claim 15 over the Moss reference in view of the Bergler reference.

The Dekelbaum reference does not cure the critical deficiencies of the Moss and Bergler references. The Dekelbaum reference purportedly concerns an internet type access system that includes an autodialer for automatically establishing communications with a merchant's facility over a switch network while maintaining internet connectivity over a packet data network. Abstract. As characterized, the autodialer coordinates between the internet session and the switched connection with the merchant's server. Abstract.

Application Serial No. 09/054,597

Like the Moss and Bergler references, the Dekelbaum reference does not teach or describe at least a means for serving a network and for storing at least one user-interface; means for executing the at least one user interface so that the service is controllable and operable by the user through the at least one user interface; and means for removing the at least one user interface after the service is used, as in amended claim 15. That is, neither reference appear to provide that a user-side terminal is capable of being independent of a service; that is, a network-based service can be used without requiring that the user-side terminal be specifically adjusted to that service. In addition, Applicant further submits that not only do the references not teach or suggest means for removing the at least one user interface, but that the references do not teach or suggest means for removing the at least one user interface after the service is used, as in amended claim 15.

Applicant respectfully submits that the Moss, Bergler and Dekelbaum references (alone or in combination) do not anticipate claims 16 to 20 (dependent on one of claims 1 and 15) since they do not teach or suggest all the features of claim 1 or 15. Accordingly, Applicant respectfully submits that claims 16 to 20 are in a condition for allowance, and withdrawal of the rejection under 35 U.S.C. §103(a) over the Moss reference in view of the Bergler reference and further in view of the Dekelbaum reference is respectfully requested.

CONCLUSION

In view of all of the above, it is believed that rejections of claims 1 to 20 have been obviated, and that currently pending claims 1 to 20 are allowable. It is therefore respectfully requested that the rejections be reconsidered and withdrawn, and that the present application issue as early as possible.

If it is believed that it would further allowance of the present application, the Examiner is invited to contact the undersigned via telephone at 1-212-908-6385, at any time.

Respectfully submitted,

Reg. Duda Shudy (asente)
Reg. No. 47084

Dated: November 30, 2004

By Richard L. Mayer

Richard L. Mayer
Reg. No. 22,490

CUSTOMER NO. 26646

Kenyon & Kenyon
One Broadway
New York, New York 10004
Tel. 1-212-425-7200
Fax. 1-212-425-5288